



3731

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Docket No. GYN-0045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Priewe et al.

Serial No. : 09/589,242

Art Unit: 3731

Filed : June 7, 2000

Examiner: Paul A. Roberts

For : METHOD AND APPARATUS FOR ADJUSTING FLEXIBLE AREAL
POLYMER IMPLANTS

I hereby certify that this correspondence is being deposited with the
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September 8, 2004

(Date of Deposit)

Matthew S. Goodwin

(Name of applicant, assignee, or Registered Representative)

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(Signature)

September 8, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on September 6, 2000, November 20, 2002, March 26, 2003, June 18, 2003, and March 1, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: US 2003/004395 A1

is an English language equivalent for WO02/28312. An English language abstract is provided for DE 4220283 A1.

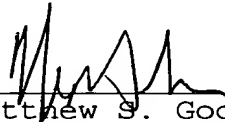
☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

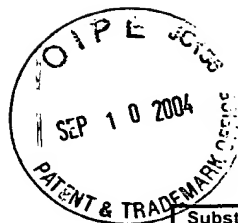
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GYN-45/MJS. This form is submitted in triplicate.

Respectfully submitted,



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DATED: September 8, 2004



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Confirmation Number	9991
Application Number	09/589,242
Filing Date	06-07-2000
First Named Inventor	Jorg Priewe
Group Art Unit	3731
Examiner Name	Paul A. Roberts
Attorney Docket Number	GYN-0045

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,441,508	A	Gazielly et al.	08-15-1995	
		6,010,447	A	Kardjian	01-04-2000	
		6,612,977	B2	Staskin et al.	09-02-2003	
		6,691,711	B2	Raz et al.	02-17-2004	
		2003/0195386	A1	Thierfelder et al.	10-16-2003	
		2003/0220538	A1	Jacquetin	11-27-2003	
		2003/0004395	A1	Therin	01-02-2003	
		2004/0039453	A1	Anderson et al.	02-26-2004	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		EP	0 774 240	A1	Ethicon, Inc.	05-21-1997		
		DE	42 20 283	A1	Singer Spezialnadelfabrik GmbH	12-23-1993	English Abstract	No
		WO	01/06951	A1	Angiologica	02-01-2001		
		WO	02/28312	A1	Sofradim Production	04-11-2002	US2003/004395A1	No
		WO	2004/012626	A1	Fin Med S.A.S. Di Grondelli & C.	02-12-2004		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

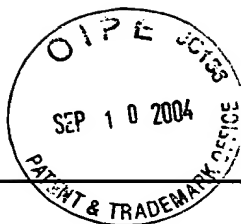
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		GIBERTI, "Transvaginal Sacrospinous Colpopexy by Palpation-A New Minimally Invasive Procedure Using an Anchoring System", UROLOGY Vol. 57 (2001) pp 666-669.	
		COSSON ET AL, "Cystocele Repair by Vaginal Patch", PROGRES EN UROLOGIE Vol. 11 (2001) pp. 340- 346.	
		COLLINET ET AL, "The Vaginal Patch for Vaginal Cure of Cystocele", J. GYNECOL. OBSTET. BIOL. REPROD. Vol. 29, No. 2 (2000) pp 197-201.	
		LEANZA ET AL, "New Technique for Correcting Both Incontinence and Cystocele: T.I.C.T.", UROGYNAECOLOGIA INTERNATIONAL JOURNAL Vol. 15, No. 3 (2001) pp 133-140.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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SUBMISSION UNDER MPEP 609 D

Page 1 of 1

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			Office ³	Number ⁴	KindCode ⁵		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner 's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		EPO Supplementary Search Report dated August 2, 2004, for corresponding EP application 02776559.3	

Examiner
Signature

Date
Considered